

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**JOHN HAWKINS**

§  
§  
§  
§  
§

**1:21-MJ-00565-SH**

**ORDER**

Before the Court is Defendant's Motion to Dismiss Pursuant to 18 U.S.C. § 3161(b) and 18 U.S.C. § 3162 and to Release the Defendant from Custody, filed September 1, 2021 (Dkt. 15).

Section 3161(b) provides:

Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days.

In his motion, Defendant states that he was arrested for the instant charge on July 19, 2021 (Dkt. 5) and has remained in custody continuously since that date. Defendant further states that a grand jury has remained seated in the Western District of Texas, Austin Division, since his arrest, and no indictment or information has been returned against him. Therefore, the Court finds Defendant's Motion to be meritorious.

Accordingly, it is **ORDERED** that Defendant's Motion to Dismiss Pursuant to 18 U.S.C. § 3161(b) and 18 U.S.C. § 3162 and to Release the Defendant From Custody (Dkt. 15) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Criminal Complaint filed in this case as to the Defendant, John Hawkins (Dkt. 1), is hereby **DISMISSED** without prejudice pursuant to Federal Rule of Criminal Procedure 48(b) and 18 U.S.C. § 3162(a)(1).

**IT IS FURTHER ORDERED** that Defendant be released from custody on the instant charge.

**SIGNED** on September 3, 2021.



---

SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE